

AMENDED IN ASSEMBLY APRIL 28, 2003
AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 178

Introduced by Assembly Member Oropeza

January 23, 2003

~~An act to add Sections 104201 and 124252 to, and to add Chapter 7 (commencing with Section 124260) to Part 2 of Division 106 of, the Health and Safety Code, to add Section 12696.26 to the Insurance Code, to add Section 13823.17 to the Penal Code, and to add Sections 14513 and 24028 to the Welfare and Institutions Code, relating to women's health. An act relating to health services, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as amended, Oropeza. *Health services:* Women's Reproductive Health and Responsibility Act.

Existing law establishes, or provides funding to the State Department of Health Services and other state entities to establish, various programs relating to women's health, including programs that are targeted to mother and child health; to the prevention, detection, and treatment of breast cancer and cervical and other gynecological cancers; preventing domestic violence; and rape prevention.

~~This bill would authorize the department and other state entities to conduct outreach activities to ensure that the public is aware of the services provided under these programs.~~

The Budget Act of 2002 appropriates specified amounts for the Adolescent Family Life Program, the Teen SMART Program, Information and Education Grants on Reproductive Health, the Teen Pregnancy Prevention Media Campaign, the Male Involvement Program, Community Challenge Grants, the Local Maternal and Child Health Program, the Access for Infants and Mothers Program, the Black Infant Health Program, the California Diabetes and Pregnancy Program, the Comprehensive Perinatal Services Program, the Breast Cancer Early Detection Program, the Breast and Cervical Cancer Control Program, the Gynecological Cancer Information Program, the Cancer Research Program, the Rape Prevention Program, the Domestic Violence Prevention Program, and the Battered Women's Shelter Program.

This bill would appropriate for these programs from the General Fund the amount appropriated in the Budget Act of 2002 for the 2002–03 fiscal year, and would continuously appropriate these amounts thereafter. The bill would provide for a reimbursement to the General Fund for these programs from other specified sources, to the extent that funds are available from those other sources.

Vote: ~~majority~~ ²/₃. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the Women's
2 Reproductive Health and Responsibility Act.

3 ~~SEC. 2.—Section 104201 is added to the Health and Safety~~

4 SEC. 2. The Legislature finds and declares all of the
5 following:

6 (a) Relative to adolescent reproductive health and pregnancy
7 prevention:

8 (1) Each year approximately one million U.S. teenagers
9 become pregnant--11 percent of all women between the ages of 15
10 and 19 years and 20 percent of those who are sexually active.
11 About 40 percent of American women become pregnant before the
12 age of 20. And, each year, approximately 19 percent of African
13 American women, 13 percent of Latina women, and 8 percent of
14 Caucasian women between the ages of 15 and 19 years become
15 pregnant.

(2) Experts estimate that the annual costs of births to teens total about \$7 billion in lost tax revenues, public assistance, child health care, foster care, and involvement with the criminal justice system. In addition, during her first 13 years of parenthood, the average teenage mother receives approximately \$1,400 per year in support from welfare and the federal food stamp program.

(3) In general, teenage mothers do not fare as well as their peers who delay childbearing. Adolescent women who become mothers tend to exhibit poorer psychological functioning, lower levels of high school completion, more single parenthood, and less stable employment. Nearly 80 percent of teen mothers eventually go on welfare. According to one study, more than 75 percent of all unmarried teen mothers begin receiving welfare within five years of giving birth.

(4) The children of teenage parents face severe health, economic, and social consequences. One-third of pregnant teens do not receive adequate prenatal care, and consequently their babies are more likely to have low birth weight, to have childhood health problems, and to be hospitalized than those born to older mothers. Moreover, children born to teen mothers are less likely to graduate from high school and more likely to be unemployed and to become teenage parents themselves than those born to women who delay childbearing.

(5) A long-term teenage pregnancy prevention media campaign that addresses the risks of sexual behavior could promote healthier actions. At present, most major networks do not air commercials or public information campaigns about sexual health. Developed countries such as the Netherlands, Germany, and France, in which teenage birth rates are four to eight times lower than that of the United States, promote healthy sexual behavior through national media campaigns that have proven effective and exert a high degree of influence on young women and men.

(6) Publicly funded family planning is cost-effective. Every dollar spent on publicly subsidized family planning services saves \$4.40 on costs that would otherwise be spent on medical care, welfare benefits, and other social services for women who became pregnant and gave birth.

(b) Relative to maternal and child health:

1 (1) Maternal and child health programs are aimed at
2 combating low birthweight and decreasing infant mortality. Low
3 birthweight is the factor most associated with infant mortality.
4 Infants who have low birthweight are 40 times more likely to die
5 in their first year than babies with healthy birthweights. Low
6 birthweight babies are also more vulnerable to serious health and
7 developmental problems, such as blindness, deafness, mental
8 retardation, and learning disabilities. Of the 518,073 infants born
9 in California during 1999, 31,686 or 6.1 percent were low
10 birthweight.

11 (2) While the emotional toll of caring for a low birthweight
12 baby is difficult to estimate, the financial implications are clear.
13 Care for low birthweight babies in neonatal intensive care units
14 can cost up to \$3,000 per day, creating an average of \$14,000 to
15 \$45,000 per baby. Considering that the state spends more than
16 \$300 million annually in Medi-Cal costs for neonatal intensive
17 care, efforts to educate expectant women about the importance of
18 prenatal care and practicing a healthy lifestyle seem to be well
19 worth the investment.

20 (3) Key factors in low birthweight include a lack of or
21 inadequate prenatal care, and the use of tobacco, alcohol, and
22 drugs during pregnancy. More than 11 percent of live births in
23 California involve exposure to drugs or alcohol, or both, while the
24 mother is pregnant. Studies show that an average of one to two
25 drinks daily during pregnancy is linked to low birthweight, growth
26 abnormalities, and behavioral problems. Furthermore, alcohol
27 use by pregnant women is the leading preventable cause of mental
28 retardation in newborns in the United States.

29 (4) While infant mortality rates in California have declined
30 overall, rates among specific population groups continue to be of
31 concern. Among those most at risk are African-American women,
32 younger women, and low-income women of all ethnicities.
33 Moreover, women who are members of certain racial and ethnic
34 groups are disproportionately affected by health conditions
35 related to pregnancy, such as diabetes.

36 (c) Relative to disease prevention, detection, and treatment:

37 (1) The number of deaths caused by cancer has declined
38 significantly in recent years, with the largest decreases in younger
39 women--both Caucasian and African-American. These decreases

1 are probably the result of earlier detection and improved
2 treatment. Cancer continues to be a public health threat.

3 (2) Breast cancer is an epidemic that will strike one out of eight
4 women in their lifetime. It is the second deadliest cancer in women
5 in the United States. Approximately 203,500 new cases occurred
6 in 2002, according to the National Cancer Institute (NCI). An
7 estimated 396,000 women lost their battle with breast cancer in
8 2002, according to the NCI. In California alone, approximately
9 4,000 women will die of breast cancer every year.

10 (3) Cervical cancer is the second most common type of cancer
11 found in women after breast cancer and it affects an estimated
12 500,000 worldwide each year. During 2001, approximately 12,900
13 cases of invasive cervical cancer were diagnosed in American
14 women. Although curable when detected early, about 4,400
15 women are expected to die of cervical cancer this year, according
16 to the American Cancer Society.

17 (d) Relative to domestic violence prevention:

18 (1) Domestic violence is the leading cause of injury to adult
19 women.

20 (2) One in five female high school students reports being
21 physically or sexually abused by a dating partner, according to the
22 2001 Massachusetts Youth Risk Survey.

23 (3) Although rape is a crime that can happen to women of all
24 ages, rape is disproportionately committed against young women.
25 In fact, 54 percent of women victims were under 18 years of age,
26 and 83 percent of women victims were under 25 years of age.

27 (4) Domestic violence often occurs as a pattern of behavior
28 known as the "cycle of violence." The cycle involves three phases.
29 Phase one is a period of tension-building in which the abuser may
30 threaten violence while the victim works to prevent a violent
31 incident. Phase two is when violence occurs; the abuser may hit,
32 beat, sexually abuse, or use weapons against the victim. Phase
33 three is the honeymoon phase, in which the abuser apologizes and
34 promises that the behavior will change, while the victim accepts
35 the apologies and forgives the behavior. There are also many
36 external barriers to victims' leaving a violent relationship. Victims
37 may stay in an abusive relationship because of a lack of resources,
38 institutional responses, traditional ideology, and a fear of losing
39 children.

(5) *The National Violence Against Women Survey found that 30 percent of women and 8 percent of men who had married or lived as part of a couple reported being raped, physically assaulted, and/or stalked by a spouse or cohabitant.*

(6) *According to the findings from the National Violence Against Women Survey, approximately 1.5 million women and 834,732 men are raped and/or physically assaulted by an intimate partner annually in the United States. Because many victims are victimized more than once, it is estimated that approximately 4.9 million intimate partner rapes and physical assaults are perpetrated against U.S. women annually, and approximately 2.9 million intimate partner physical assaults are committed against U.S. men annually. These statistics do not take into account the occurrences of psychological abuse, which is harder to identify than physical or sexual abuse.*

SEC. 3. (a) *Notwithstanding Section 13340 of the Government Code, commencing on July 1, 2003, for the 2003–04 fiscal year, and on July 1 of each fiscal year thereafter, there is hereby continuously appropriated from the General Fund to the Director of Health Services the sum of two hundred thirty-nine million thirty thousand dollars (\$239,030,000) in each fiscal year, to be allocated as follows:*

(1) *For the Adolescent Family Life Program, the following amounts:*

(A) *Sixty-six thousand dollars (\$66,000) for state operations of the program, to be expended in accordance with the conditions set forth in Item 4260-001-0001.*

(B) *Twenty-two million two hundred forty-three thousand dollars (\$22,243,000) for local assistance of the program, to be expended in accordance with the conditions set forth in Items 4260-111-0001.*

(2) *For local assistance of the Teen SMART Program, one million six hundred ninety-seven thousand dollars (\$1,697,000) to be expended in accordance with the conditions set forth in Item 4260-111-0001.*

(3) *For local assistance of Information and Education Grants on Reproductive Health, three million four hundred eighty-two thousand dollars (\$3,482,000) to be expended in accordance with the conditions set forth in Item 4260-111-0001.*

1 (4) *For the Teen Pregnancy Prevention Media Campaign, the*
2 *following amounts:*

3 (A) *Eight hundred twenty-five thousand dollars (\$825,000) for*
4 *state operations of the program, to be expended in accordance with*
5 *the conditions set forth in Item 4260-001-0001.*

6 (B) *Eleven million three hundred one thousand dollars*
7 *(\$11,301,000) for local assistance of the program, to be expended*
8 *in accordance with the conditions set forth in Item 4260-111-0001.*

9 (5) *For local assistance of the Male Involvement Program, two*
10 *million five hundred thousand dollars (\$2,500,000) to be expended*
11 *in accordance with the conditions set forth in Item 4260-111-0001.*

12 (6) *For Community Challenge Grants, the following amounts:*

13 (A) *Nine hundred eighty-eight thousand dollars (\$988,000) for*
14 *state operations of the program, to be expended in accordance with*
15 *the conditions set forth in Item 4260-001-0001.*

16 (B) *Nineteen million twelve thousand dollars (\$19,012,000)*
17 *for local assistance of the program, to be expended in accordance*
18 *with the conditions set forth in Item 4260-111-0001.*

19 (7) *For local assistance of the Local Maternal and Child*
20 *Health Program, seven million four hundred seven thousand*
21 *dollars (\$7,407,000) to be expended in accordance with the*
22 *conditions set forth in Item 4260-111-0001.*

23 (8) *For local assistance of the Access for Infants and Mothers*
24 *Program, sixty-four million eight hundred forty thousand dollars*
25 *(\$64,840,000) to be expended in accordance with the conditions*
26 *set forth in Item 4280-111-0001.*

27 (9) *For local assistance of the Black Infant Health Program,*
28 *seven million nine hundred sixty-eight thousand dollars*
29 *(\$7,968,000) to be expended in accordance with the conditions set*
30 *forth in Item 4260-111-0001.*

31 (10) *For local assistance of the California Diabetes and*
32 *Pregnancy Program, one million three hundred twenty-six*
33 *thousand dollars (\$1,326,000) to be expended in accordance with*
34 *the conditions set forth in Item 4260-111-0001.*

35 (11) *For local assistance of the Comprehensive Perinatal*
36 *Services Program, one million seven hundred seventy-one dollars*
37 *(\$1,771,000) to be expended in accordance with the conditions set*
38 *forth in Item 4260-111-0001.*

39 (12) *For the Breast Cancer Early Detection Program, the*
40 *following amounts:*

1 (A) Seven million one hundred thirty-three thousand dollars
2 (\$7,133,000) for state operations of the program, to be expended
3 in accordance with the conditions set forth in Item 4260-001-0009.

4 (B) Twenty-six million one hundred ninety-three thousand
5 dollars (\$26,193,000) for local assistance of the program, to be
6 expended in accordance with the conditions set forth in Item
7 4260-111-0001.

8 (13) For local assistance of the Breast and Cervical Cancer
9 Control Program, eight million eight hundred eighty-nine
10 thousand dollars (\$8,889,000) to be expended in accordance with
11 the conditions set forth in Item 4260-111-0001.

12 (14) For the Gynecological Cancer Information Program, the
13 following amounts:

14 (A) One hundred fifty thousand dollars (\$150,000) for state
15 operations of the program, to be expended in accordance with the
16 conditions set forth in Item 4260-001-0001.

17 (B) Four hundred seventy-seven thousand dollars (\$477,000)
18 for local assistance of the program, to be expended in accordance
19 with the conditions set forth in Item 4260-111-0001.

20 (15) For local assistance of the Cancer Research Program,
21 twelve million five hundred thousand dollars (\$12,500,000) to be
22 expended in accordance with the conditions set forth in Item
23 4260-001-0001.

24 (16) For state assistance of the Rape Prevention Program, four
25 million nine hundred ninety-seven thousand dollars (\$4,997,000)
26 to be expended in accordance with the conditions set forth in Item
27 4260-001-0001.

28 (17) For local assistance of the Domestic Violence Prevention
29 Program, nine million eight hundred forty thousand dollars
30 (\$9,840,000) to be expended in accordance with the conditions set
31 forth in Item 8100-101-0001.

32 (18) For local assistance of the Battered Women's Shelter
33 Program, twenty-three million four hundred twenty-five thousand
34 dollars (\$23,425,000) to be expended in accordance with the
35 conditions set forth in Item 4260-111-0001.

36 (b) On July 1, 2003, and every July 1 thereafter, the Director of
37 Finance shall transfer to the General Fund in the following
38 amounts from the following sources, to the extent that these funds
39 are available:

1 (1) Eight million six hundred seventy-eight thousand dollars
2 (\$8,678,000) payable from the Federal Trust Fund Account (Item
3 4260-111-0890) to reimburse the General Fund for the Adolescent
4 Family Life Program.

5 (2) Eight hundred forty-nine thousand dollars (\$849,000)
6 payable from the Federal Trust Fund Account (Item
7 4260-111-0890) to reimburse the General Fund for the Teen
8 SMART Program.

9 (4) Three million four hundred eighty-three thousand dollars
10 (\$3,483,000) payable from the Federal Trust Fund Account (Item
11 4260-111-0890) to reimburse the General Fund for the Teen
12 Pregnancy Prevention Media Campaign.

13 (7) Four million seven hundred sixty-three thousand dollars
14 (\$4,763,000) payable from the Federal Trust Fund Account (Item
15 4260-111-0890) to reimburse the General Fund for the Local
16 Maternal and Child Health Program.

17 (8) To reimburse the General Fund for the Access for Infants
18 and Mothers Program, the following amounts:

19 (A) Twenty-four million nine hundred ninety-six thousand
20 dollars (\$24,996,000) payable from the Hospital Services
21 Account, Cigarette and Tobacco Products Surtax Fund (Item
22 4280-111-0232).

23 (B) Thirteen million seven hundred sixty-eight thousand
24 dollars (\$13,768,000) payable from the Physician Services
25 Account, Cigarette and Tobacco Surtax Fund (Item
26 4280-111-0233).

27 (C) Twenty-six million seventy-six thousand dollars
28 (\$26,076,000) payable from the Unallocated Account, Cigarette
29 and Tobacco Products Surtax Fund (Item 4280-111-0236).

30 (9) Four million sixty-five thousand dollars (\$4,065,000)
31 payable from the Federal Trust Fund Account (Item
32 4260-111-0890) to reimburse the General Fund for the Black
33 Infant Health Program.

34 (10) One million three hundred twenty-six thousand dollars
35 (\$1,326,000) payable from the Federal Trust Fund Account (Item
36 4260-111-0890) to reimburse the General Fund for the California
37 Diabetes and Pregnancy Program.

38 (11) To reimburse the General Fund for the Comprehensive
39 Perinatal Services Program, the following amounts:

1 (A) One million three hundred sixteen thousand dollars
2 (\$1,316,000) payable from the Unallocated Account, Cigarette
3 and Tobacco Products Surtax Fund Account (Item
4 4260-111-0236).

5 (B) Four hundred fifty-five thousand dollars (\$455,000)
6 payable from the Federal Trust Fund Account (Item
7 4260-111-0890).

8 (12) To reimburse the General Fund for the Breast Cancer
9 Early Detection Program, the following amounts:

10 (A) Eight million eight hundred four thousand dollars
11 (\$8,804,000) payable from the Breast Cancer Control Fund
12 Account (Item 4260-111-0009).

13 (B) Seventeen million three hundred eighty-nine thousand
14 dollars (\$17,389,000) payable from the Unallocated Account,
15 Cigarette and Tobacco Products Surtax Fund Account (Item
16 4260-111-0236).

17 (13) Eight million eight hundred eighty-nine thousand dollars
18 (\$8,889,000) payable from the Federal Trust Fund Account (Item
19 4260-111-0890) to reimburse the General Fund for the Breast and
20 Cervical Cancer Control Program.

21 (14) Four hundred seventy-seven thousand dollars (\$477,000)
22 payable from the Local Education Agency Medi-Cal Recovery
23 Account, Special Deposit Fund (Item 4260-111-0942) to
24 reimburse the General Fund for the Gynecological Cancer
25 Information Program.

26 (16) Four million nine hundred ninety-seven thousand dollars
27 (\$4,997,000) payable from the Federal Trust Fund Account (Item
28 4260-001-0890) to reimburse the General Fund for the Rape
29 Prevention Program.

30 (17) Nine million one hundred ten thousand dollars
31 (\$9,110,000) payable from the Federal Trust Fund Account (Item
32 8100-101-0890) to reimburse the General Fund for the Domestic
33 Violence Prevention Program.

34 (18) To reimburse the General Fund for the Battered Women's
35 Shelter Program, the following amounts:

36 (A) Four million dollars (\$4,000,000) payable from the
37 Federal Trust Fund Account (Item 4260-111-0890).

38 (B) Nine hundred thousand dollars (\$900,000) payable from
39 the Domestic Violence Training and Education Fund Account
40 (Item 4260-111-0642).

(c) All references to item numbers are to those items in Section 2.00 of Chapter 379 of Statutes of 2002.

Code, to read:

~~104201. The department may conduct outreach activities to ensure that the public is aware of services concerning cancer detection, treatment, and control that are provided pursuant to the Breast and Cervical Cancer Control Program, the Breast and Cervical Cancer Early Detection Program, the Breast and Cervical Cancer Treatment Program, and the Gynecological Cancer Information Program.~~

~~SEC. 3. Section 124252 is added to the Health and Safety Code, to read:~~

~~124252. The department may conduct outreach activities to ensure that the public is aware of services provided pursuant to the Battered Women's Shelter Program.~~

~~SEC. 4. Chapter 7 (commencing with Section 124260) is added to Part 2 of Division 106 of the Health and Safety Code, to read:~~

~~CHAPTER 7. COMMUNITY OUTREACH~~

~~124260. The department may conduct outreach activities to ensure that the public is aware of services concerning mother and child health that are available pursuant to the Black Infant Health Program, the California Diabetes and Pregnancy Program, and the Perinatal Services Program.~~

~~SEC. 5. Section 12696.26 is added to the Insurance Code, to read:~~

~~12696.26. The board may conduct outreach activities to ensure that the public is aware of services provided pursuant to the program.~~

~~SEC. 6. Section 13823.17 is added to the Penal Code, to read:~~

~~13823.17. The Office of Criminal Justice Planning may conduct outreach activities to ensure that the public is aware of services provided pursuant to the Family Violence Prevention Program and the Rape Prevention and Education Program.~~

~~SEC. 7. Section 14513 is added to the Welfare and Institutions Code, to read:~~

~~14513. The Office of Family Planning may conduct outreach activities to ensure that the public is aware of services concerning~~

1 ~~teens that are available pursuant to the Teen SMART Program, the~~
2 ~~Information and Education Grants Program, the Adolescent and~~
3 ~~Family Life Program, and the Teen Pregnancy Prevention Media~~
4 ~~Campaign Program.~~

5 ~~SEC. 8. Section 24028 is added to the Welfare and Institutions~~
6 ~~Code, to read:~~

7 ~~24028. The department may conduct outreach activities to~~
8 ~~ensure that the public is aware of family planning services that are~~
9 ~~available pursuant to the State-Only Family Planning Program.~~

